



### **THE PARTIES**

4. Plaintiff, KENYA SMITH (“Smith”) is a resident of Illinois.

5. Defendant, ALLSCRIPTS HEALTHCARE SOLUTIONS, INC. (“Allscripts”), is a corporation organized under the laws of the state of Delaware.

### **GENERAL ALLEGATIONS**

6. Plaintiff started working for Defendant on January 1, 2015. Most recently, she filled the role of “Director of Solutions Management.”

7. On information and belief, Allscripts has over 10,000 employees. Plaintiff is black, and on information and belief, was the only black Director during her employment at Allscripts.

8. Throughout the course of her employment, Plaintiff received only positive performance reviews from her various supervisors.

9. In or around February, 2020, Smith attended a “Global Kick-Off” (“GKO”) event. The event brought Allscripts’s top leadership together in the state of Florida. Plaintiff noticed that she was the only black individual in a room of over 500 attendees.

10. During the GKO conference, she walked up to Defendant’s CEO, Paul Black (“Black”) and introduced herself. She followed up the meeting with an e-mail to Black. In the e-mail, Plaintiff thanked Black for the introduction, and stated that she would be delighted to participate in any diversity and inclusion initiatives. She did not receive a response to this e-mail.

11. In June, 2020, Plaintiff received what appeared to be a company-wide e-mail from Black, expressing support for the Black Lives Matter movement and the rights of black people.

12. On or about June 9, 2020, Plaintiff wrote a polite and carefully-worded response to Black's e-mail, essentially stating that Defendant's policies and track record were inconsistent with its expressions of support for minorities. Plaintiff also stated in this e-mail that she had experienced "oppression and racism" at Allscripts.

13. On June 10, 2020, she was abruptly terminated during a regularly-scheduled meeting by one of Defendant's HR representatives, Kim Franks ("Franks"), with no prior warning. Franks offered no reason for the termination.

14. On June 23, 2020, Plaintiff filed a charge of discrimination and retaliation with the Equal Employment Opportunity Commission ("EEOC").

15. On September 11, 2020, the EEOC issued a Notice of Right to Sue Letter.

16. After Plaintiff was terminated, Defendant rolled out what is believed to be its first diversity and inclusion initiative.

**COUNT I – RETALIATION UNDER  
TITLE VII OF THE CIVIL RIGHTS ACT**

17. Plaintiff complained about discrimination in her workplace to Defendant.

18. In retaliation, Defendant terminated her employment.

19. Defendant's actions constitute a violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e, *et seq.*

20. Defendant's actions have caused Plaintiff lost wages and other employment benefits, and significant emotional distress.

21. At all times relevant, Defendant's actions were willful and wanton, entitling Plaintiff to an award of punitive damages.

**COUNT II – RACE DISCRIMINATION**  
**UNDER TITLE VII OF THE CIVIL RIGHTS ACT**

17. Plaintiff realleges and incorporates ¶¶ 1-16 of Count I as ¶ 17 of Count II.

18. Throughout her employment, Plaintiff was subjected to different terms and conditions due to her race, including but not limited to receiving lower wages (as compared to individuals doing similar work) and having her employment terminated.

19. Defendant's actions constitute a violation of Title VII of the Civil Rights Act of 1964.

20. Defendant's actions have caused Plaintiff lost wages and other employment benefits, and significant emotional distress.

21. At all times relevant, Defendant's actions were willful and wanton, entitling Plaintiff to an award of punitive damages.

**COUNT III – DISCRIMINATION**  
**UNDER THE EQUAL PAY ACT**

17. Plaintiff realleges and incorporates ¶¶ 1-16 of Count I as ¶ 17 of Count III.

18. Plaintiff was as qualified, or more qualified, than many male Directors of Defendant.

19. Nevertheless, on information and belief, different wages were paid to male directors, even though they did equal work, which required equal skill, effort, and responsibility, and had similar working conditions.

20. Defendant's actions constitute a violation of the Equal Pay Act, 29 U.S.C. § 206, *et seq.*

21. Defendant's actions have caused Plaintiff lost wages and other employment benefits, and significant emotional distress.

22. At all times relevant, Defendant's actions were willful and wanton, entitling Plaintiff to an award of punitive damages.

**COUNT IV –**  
**DISCRIMINATION UNDER 42 U.S.C. § 1981**

17. Plaintiff realleges and incorporates ¶¶ 1-16 of Count I as ¶ 17 of Count IV.

18. Throughout her employment, Plaintiff was subjected to different terms and conditions due to her race, including but not limited to receiving lower wages, and having her employment terminated for complaining as a black individual about discrimination.

19. But for Plaintiff's race, she would not have been subjected to the discriminatory actions described in ¶ 22.

20. Defendant's actions constitute a violation of 42 U.S.C. § 1981.

21. Defendant's actions have caused Plaintiff lost wages and other employment benefits, and significant emotional distress.

22. At all times relevant, Defendant's actions were willful and wanton, entitling Plaintiff to an award of punitive damages.

**COUNT V –**  
**RETALIATION UNDER 42 U.S.C. § 1981**

17. Plaintiff realleges and incorporates ¶¶ 1-16 of Count I as ¶ 17 of Count IV.

18. Plaintiff complained about discrimination in the work place to Defendant.

19. In retaliation, Defendant terminated her employment.

20. But for Plaintiff's complaints about discrimination, she would not have been terminated.

21. Defendant's actions constitute a violation of 42 U.S.C. § 1981.

22. Defendant's actions have caused Plaintiff lost wages and other employment benefits, and significant emotional distress.

23. At all times relevant, Defendant's actions were willful and wanton, entitling Plaintiff to an award of punitive damages.

**WHEREFORE**, Plaintiff requests that this Court enter a judgment in favor of Plaintiff and against Defendant, and that Plaintiff be awarded the following relief:

- A. Backpay, prejudgment interest, and remedy for any negative tax consequences from an award of a lump sum payment;
- B. Compensatory damages;
- C. Punitive Damages;
- D. Attorney Fees and Costs; and
- E. Such other and further relief as this court deems appropriate.

Dated: December 8, 2020

*Respectfully submitted,*

*/s/ Sam Sadaei*

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